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MEMO ENDORSED

VIA ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

**Re: Correction Officers' Benevolent Association et. al. v.
City of New York, et al. 17 v. 2899 (LTS)(JCF)**

Dear Judge Swain:

We are counsel to the Plaintiffs in the above referenced matter and write on behalf of all parties. By Order dated May 31, 2017, the above referenced case was reassigned to Your Honor from Judge Woods. Earlier today, the undersigned and Assistant Corporation Counsel Alan Schlessinger, Esq. contacted chambers for guidance on how to proceed. We spoke with your law clerk, David Heitner, and write now in furtherance of that conversation.

While this case was pending before Judge Woods, and pursuant to his Individual Rules, Defendant City filed a pre-motion submission indicating its intent to file a motion to dismiss and requesting a pre-motion conference. Pursuant to Judge Woods' Individual Rules, Section 2(C), the filing of the pre-motion submission stayed the City's time "to answer or move against the complaint through the date of the pre-motion conference." Judge Woods gave Plaintiffs until June 2, 2017, to file a responsive pre-motion submission. However, in light of the case's reassignment yesterday, and pursuant to our discussion with Mr. Heitner, it is our understanding that the requirements under Judge Woods' rules have terminated and we are now to proceed in accordance with your Individual Rules.

Accordingly, the parties have conferred and submit the following schedule for Your Honor's approval:

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In accordance with Your Honor's Individual Rule 2(b), the parties will engage in pre-motion communications. The Defendants shall submit a letter outlining their respective legal and factual positions by Thursday, June 8, 2017. Plaintiffs shall provide their response letter by Thursday, June 15, 2017.

Thereafter, if the parties cannot resolve the relevant issues, the Defendants shall file their response to the Complaint (currently an intended Motion to Dismiss) by June 30, 2017. Plaintiffs shall file any opposition to a Motion to Dismiss by July 31, 2017. Defendants' Reply to any Opposition shall be due August 18, 2017.

The parties also agree that, in the interests of judicial economy, discovery in this matter should be stayed through the briefing and outcome of the Motion to Dismiss.

We respectfully request Your Honor advise whether the foregoing meets with your approval.

Respectfully submitted,

By: /s/ Cynthia Devasia, Esq.
Cynthia Devasia, Esq.

cc: Alan Schlesinger, *Counsel for City (via E-mail)*

The foregoing schedule is approved. If Defendants answer rather than move to dismiss, an initial pretrial conference will be held in accordance with the Initial Conference Order issued herewith.

SO ORDERED:

 6/2/17
HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE